THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22385 of 2006

Dated: 30-10-2006

Between:
Vennipusa Sulochana and others.

..... PETITIONERS

AND

The District Joint Collector, Nellore, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.22385 of 2006

ORDER:

The petitioners were assigned agricultural lands in survey No.189 situated at of Rajavole Village of Anne Samudram (AS) pet Mandal in Nellore District. Petitioner Nos.1 and 3 are original assignees and petitioner Nos.2 and 4 are the legal heirs of original assignees. The Mandal Revenue Officer (MRO) initiated action against the assignees under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, (the Act, for brevity) on allegation that though the land was assigned, one Cheemala Ankireddy of said Village was found to be in possession having purchased the land from the assignees. A

show-cause notice was issued to the petitioners and the same would not be served on them as they were not available in the Village. Therefore, MRO passed orders on 12-09-2004 resuming the land to the Government for violation of conditions of assignment. The petitioners, then filed appeal before respondent No.2, namely, the Revenue Divisional Officer(RDO) under Section 4-B(1) of the Act and by orders dated

04-07-2005, RDO dismissed the appeals, aggrieved by which present writ petition is filed.

The learned counsel for the petitioners submits that the conclusion reached by RDO that the petitioners are not residents of said Village is erroneous. He placed reliance on the certificates of residence issued by the Panchayat Secretary. He also denies the allegation that the petitioners or their predecessors sold assigned land to third parties. Reiterating the petitioners' case, he submits that the petitioners are in possession and are cultivating the land.

The assignment made to petitioner Nos. 1 and 3 and the predecessors of petitioner Nos.2 and 4 has been cancelled and the land was resumed only on the ground that the petitioners were not found to be in possession of the land and Cheemala Ankireddy was in possession. Even in such an event, as required under Section 4(1)(b) of the Act, it is incumbent on MRO to resume the land or restore possession to the assignees or their legal heirs. Presumably for this reason, the petitioners contended before the appellate authority-RDO, that they are very much residents of said Village and produced evidence to that effect. Therefore, notwithstanding the orders passed by the appellate authority, the original authority-MRO can consider this aspect of the matter, namely, whether the petitioners are entitled for restoration of land as per law under Section 4(1)(b) of the Act. To enable MRO, the petitioners may give representation/application seeking restoration of

the land and produce a copy of this order. As and when such application is made, MRO shall consider the eligibility of restoring the land to the petitioners, if it is reasonably practicable. Except such an observation, the petitioners are not entitled for any other relief in this writ petition.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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V.V.S.RAO, J

30th October, 2006
ghn